

SPEECH OF

HON. CHARLES SUMNER.

ON THE

Bill to Establish a Bureau of Freedmen,

IN THE SENATE OF THE UNITED STATES, JUNE 13TH AND 15TH, 1864.

Mr. SUMNER. Mr. President, the Senate only a short time ago was engaged for a week in considering how to open an iron way from the Atlantic to the Pacific. It is now to consider how to open a way from slavery to freedom.

I regret much that only thus tardily we have been able to take up the bill for a Bureau of Freedmen. But I trust that nothing will interfere with its consideration now. In what I have to say, I shall confine myself to a simple statement. If I differ from others I beg to be understood that it is in no spirit of controversy, and with no pride of opinion. Nothing of this kind can enter justly into any such discussion.

I shall not detain the Senate to expose the importance of this measure. All must confess it at a glance. It is at once a charity and a duty.

By virtue of existing acts of Congress, and also under the proclamation of the President, large numbers of slaves have suddenly become free. These may now be counted by the hundred thousand. In the progress of victory they will be counted by the million.

As they derive their freedom from the United States, under legislative or executive acts, the national Government cannot be excused from making such provisions as may be required for their immediate protection and welfare during the present *transition period*. The freedom that has been conferred must be rendered useful, or at least saved from being a burden. Reports, official and unofficial, show the necessity of action. In some places it is a question of life and death.

It would be superfluous to quote at length from these reports, while all testify alike,

whether from Louisiana, South Carolina, Fortress Monroe, Vicksburg, Tennessee, Arkansas. I know not where the call is most urgent. It is urgent everywhere,* and in some places it is the voice of distress.

Wherever our arms have prevailed the old social system has been destroyed. Masters have fled, and slaves have assumed a new character. Released from their former obligations, and often adrift in the world, they naturally look to the prevailing power. Here, for instance, is testimony which I take from an excellent report made in the department of Tennessee, under date of April 29, 1863:

"Negroes, in accordance with the acts of Congress, free on coming within our lines, circulated much like water; the task was to care for and render useful.

"They rolled like eddies around military posts: many of the men employed in accordance with Order No. 72, district West Tennessee: women and children largely doing nothing but eating and idling, the dupes of vice and crime, the unsuspecting sources of disease."

From this statement Senators may form an idea of the numbers who seek assistance.

But the question is often asked as to the disposition of these persons to labor. Here, also, the testimony is explicit. I have in my hand the answers from different stations on this point.

"Question. 'What of their disposition to labor?'"

"Answer, *Corinth*. 'So far as I have tested it, better than I expected; willing to work for money, except in waiting on the sick. One hundred and fifty hands gathered five hundred acres of cotton in less than three weeks, much of which time was bad weather. The owner admitted that it was done more quickly than it could have been done with slaves. When detailed for service, they generally remained till honorably discharged, even when badly treated. I am well satisfied, from careful calculations, that the contrabands of this camp and district have netted the Government, over and above all their expenses, including rations, tents, &c., at least \$3,000 per month, independent of what the women do and all the property brought through our lines from the rebels.'

"*Gairo*. 'Willing to labor when they can have proper motives'

"*Grand Junction*. 'Have manifested considerable disposition to escape labor, having had no sufficient motives to work.'

"*Holly Spring and Memphis*. 'With few exceptions, generally willing, even without pay. Paid regularly, they are much more prompt.'

"*Memphis*. 'Among men, better than among women. Hold out to them the inducements, benefit to themselves and friends, essential to the industry of any race, and they would at once be diligent and industrious.'

"*Bolivar*. 'Generally good; would be improved by the idea of pay.'

Here, also, is a glimpse at Newbern, North Carolina, under date of February 26, 1864:

"Immediately on my return here, on the 12th of October, I instituted measures for placing the different abandoned plantations within our lines in this State under proper management and cultivation. As soon as it became known that as supervising Treasury agent I had charge of this property, I was visited by hundreds (and I might correctly say thousands) of contrabands, along with numerous white persons, desiring to obtain privileges to work upon the same."

And here is the testimony of General Banks, in Louisiana:

"Wherever in the department they have been well treated and reasonably compensated, they have invariably rendered faithful service to their employers. From many persons who manage plantations I have received the information that there is no difficulty whatever in keeping them at work if the conditions to which I have referred are complied with."

I do not quote further, for it would simply take time. But I cannot forbear from adding that the report from the commissioners on freedmen, appointed by the Secretary of War, accumulates ample testimony on this head, all showing that the freedmen are anxious to find employment. Your Treasury testifies to their productive power, for it contains at this moment more than a million dollars which have come from the sweat of freedmen.

It is evident, then, that the freedmen are not idlers. They desire work. But in their helpless condition they have not the ability to obtain it without assistance. They are alone, friendless, and uninformed. The curse of slavery is still upon them. Somebody must take them by the hand; not to support them but simply to help them to that work which will support them. Thus far private societies in different parts of the

country, at the East and the West—especially at all the principal centers—have done much toward this charity. But private societies are inadequate to the duties required. The intervention of the national Government is necessary. Without such intervention, many of those poor people, freed by our acts in the exercise of a military necessity, will be left to perish.

The service required is too vast and complex for unorganized individuals. It must proceed from the national Government. This alone can supply the adequate machinery, and extend the proper network of assistance, with that unity of operation which is required. The national Government must interfere in the case precisely as in building the Pacific railroad. Private charity in our country is active and generous, but it is powerless to cope with the evils arising from a wicked institution; nor can it provide a remedy where society itself has been overthrown.

There are few who will not admit that something must be done by the Government. Cold must be that heart which could turn away from this call. But whatever is done must be through some designated agency, and this brings me to another aspect of the question.

The President in his proclamation of emancipation has used the following language: "I recommend to them"—that is, to the freedmen—"that in all cases, when allowed, they labor faithfully for reasonable wages." Such is the recommendation from that supreme authority which decreed emancipation. They are to labor, and for reasonable wages. But the President does not undertake to say how this opportunity shall be obtained; how the laborer shall be brought in connection with the land; how his rights shall be protected; and how his new-found liberty shall be made a blessing. It was enough, perhaps, on the occasion of the proclamation that the suggestion should be made. Faithful labor and reasonable wages! Let these be secured, and everything else will follow. But how shall these be secured?

Different subjects as they become important are committed to the care of special bureaus. I need only refer to patents, agriculture, public lands, pensions, and Indian affairs, each under the charge of a separate Commissioner. Clearly the time has come for a Bureau of Freedmen. In speaking of a Bureau of Freedmen, I mean a bureau which will be confined in its operations to the affairs of freedmen, and not travel beyond this increasing class to embrace others, it may be of African descent. Our present necessity is to help those who have been made free by the present war; and the term freedmen describes sufficiently those who have once been slaves; and it is this class which we propose to help during the *transition period* from slavery to freedom. Call it charity or duty, it is sacred as humanity.

But here a practical question arises with regard to the Department in which this bureau should be placed. There are reasons for placing it in the War Department—at least during the war. There are other reasons for placing it in the Department of the Interior, which has charge of Indian affairs, pensions, and patents. But whatever may be the reasons on general grounds for placing it in one of these two Departments, there are other reasons, of special importance at this moment, which point to the Treasury Department. Indeed, after careful consideration, the committee were satisfied that it was so clearly associated with other interests already intrusted to this Department, that it could not be advantageously administered elsewhere. Although beginning this inquiry with a conviction in favor of the War Department, I could not resist the conclusion of the committee.

Look, for one moment, at the class of duties already imposed upon the Treasury Department in connection with the very hordes of these freedmen.

Congress has, by special acts, conferred upon the Secretary of the Treasury extraordinary powers with regard to trade in the rebel States. There was, first, the act of July 13, 1861, entitled "further to provide for the collection of duties on imports and other purposes," which declared that commercial intercourse with any State or part of a State in rebellion, when licensed by the President "shall be conducted and carried on *only in pursuance* of rules and regulations prescribed by the Secretary of the Treasury." And it is further provided, that

"The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules and regulations.—*Statutes at Large*, vol. 12, p. 257.

There is another act of Congress, approved July 13, 1862, supplementary to the act just named, which confers additional powers upon the Secretary of the Treasury with reference to trade with "any place in the possession or under the control of insurgents against the United States."

There is also the act of July 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes." In this act it is provided (section nine) that where the board of commissioners shall be satisfied that the owners of lands "have left the same to join the rebel forces, or otherwise to engage in and abet this rebellion, and the same shall have been struck off to the United States at said sale, and said commissioners shall, in the name of the United States, enter upon and take possession of the same, and may lease the same, together or in parcels, to any person or persons who are citizens of the United States;" and (section ten) the commissioners "shall from time to time make such temporary rules and regulations and insert such clauses in said leases as shall be just and proper to secure employment and support, at wages or upon shares of the crop, of such persons and families as may be residing upon the said parcels or lots of land, which said rules and regulations are declared to be subject to the approval of the President." (*Statutes at Large*, volume 12, page 424.) The execution of this act is lodged in the Treasury Department.

Then comes the act of Congress, approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States." Under this act the Secretary was authorized "to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory, or any portion of any State or Territory of the United States, designated as in insurrection against the lawful Government of the United States." The act proceeds with details on the subject.

Such are the powers conferred by Congress upon the Treasury Department concerning trade and abandoned property in the rebel States. These were followed by a general order from the War Department, as follows:

[General Orders, No. 331.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
WASHINGTON, October 9, 1862.

The President orders:

1. All houses, tenements, lands, and plantations, except such as may be required for military purposes, which have been or may be deserted and abandoned by insurgents within the lines of the military occupation of the United States forces in States declared by proclamation of the President to be in insurrection, will hereafter be under the supervision and control of the supervising special agents of the Treasury Department.

3. All commanders of military departments, districts, and posts will, upon receipt of this order, surrender and turn over to the proper supervising special agent such houses, tenements, lands, and plantations not required for military uses as may be in their possession or under their control; and all officers of the Army of the United States will at all times render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to obtain possession of such houses, tenements, lands, and plantations, and to maintain their authority over the same.

By order of the Secretary of War:

E. D. TOWNSEND.
Assistant Adjutant General.

By this order, as it appears, the Treasury Department has been substituted to the War Department in jurisdiction over "houses, tenements, lands, and plantations deserted and abandoned by insurgents within the lines of military occupation." This is broad, but it is positive.

In pursuance of these acts of Congress, and of this order of the War Department, the Secretary of the Treasury has proceeded to appoint special agents and to establish a code of regulations. I have in my hands now a small volume, entitled "Commercial Intercourse with States Declared in Insurrection and the Collection of Abandoned and Captured Property," containing the statutes and also the departmental regulations on the subject. It appears that there is now an organization under the Secretary of the Treasury, and also a system, both of reasonable completeness, to carry out these purposes.

In determining where the Bureau of Freedmen should be placed it becomes important to consider the interests which it is proposed to guard; and this brings me to another aspect of the question.

Looking at the freedmen, whose welfare is in question, we shall find that their labor may be classified under two different heads: first, *military*; and secondly, *predial*, or relating to farms. There will be still other laborers, including especially mechanics; but these will be chiefly in the towns. The large mass will be included in the two classes I have named. It is, therefore, these two classes that are to be particularly considered.

1. The first class is already provided for. It appears that one hundred thousand freedmen are already engaged in the military service as soldiers or laborers. Others will continue to be engaged in this way. These are all naturally and logically under the charge of the War Department; nor do they need the superintendence of the proposed bureau. The act of Congress equalizing their condition in the Army of the United States is better for them than any bureau.

2. But there will remain the other larger class, consisting in the main of women and children and farm laborers, who must find employment on the abandoned lands. To this labor they are accustomed. These lands are their natural home. But this class must naturally and logically come under the charge of the Department which has charge of the abandoned lands. Conceding that all in the military service fall under the superintendence of the War Department, it follows with equal reason that all who labor on the lands must fall under the superintendence of the Treasury Department, so long, at least, as this Department has charge of the lands.

This conclusion seems so reasonable that your committee were not able to resist it. But the testimony of persons who have given particular attention to the question is explicit also, so that experience is in harmony with reason. I have in my hands a letter from Colonel McKaye, an eminent citizen of New York, and also a member of the commission to inquire and report on this subject, appointed by the Secretary of War.

— After visiting South Carolina and Louisiana, expressly to study the necessities of freed-

men, and to ascertain what could be done to benefit them, he thus expresses himself:

"In the first place, everybody who has had any practical experience of the working of the plantations or of the superintendence of negro labor will tell you that the control of the abandoned plantations and the care of the colored people must be in the same hands."

You will not fail to observe how positively this expert speaks. According to him all who have had "practical experience" insist that the care of the freedmen and of the plantation should be "in the same hands;" and so important does he regard this point that he names it first of all—"in the first place."

But Colonel McKaye is not alone. Here is a letter from Hon. Robert Dale Owen, chairman of the Commission on Freedmen, appointed by the Secretary of War, which testifies as follows:

"It will never do to have Treasury agents who lease the lands to white men and War Department agents who assign the same lands to colored people. Nothing but confusion and conflict of authority can result. It will not work at all. But even if it would, why employ two sets of agents to do what one set can do much better? And who is to inspect the leased plantations and see to it that neither employers nor employed are wronged? The men who gave the leases? But they are Treasury agents, and have nothing to do with freedmen. Or the freedmen's commissioners? But what authority can they have over men who do not hold their leases from them? The men who have the care of the laborer ought to have the leasing of the land and the inspection of the leases; and they should be authorized to lease equally to white and to colored people."

Such a statement is an argument.

This conclusion has the support also of General Banks, in a letter addressed to one of the Freedmen's Commission. Here are his words:

"The assignment of the abandoned or forfeited plantations to one Department of the Government, and the protection and support of the emancipated people to another, is a fundamental error productive of incalculable evils, and cannot be too soon or too thoroughly corrected."

The able and elaborate report from the Freedmen's Commission, just published, considers this question carefully. Nothing could be more explicit than the following testimony:

"But in the judgment of the commission the most serious error in connection with the present arrangements for the care and protection of these people arises out of the assignment to different agency of the care and disposal of the abandoned plantations. To enter into the detail of all the evils and abuses that have arisen out of this error, and which are unavoidable so long as it continues to exist, would occupy too great a space in this report. Suffice it to say that it is the source of the greatest confusion, and perpetual collision between the different local authorities, in which not only the emancipated population, but the Government itself, suffers the most serious injuries and losses."

"And this is the purport of the testimony which the commission has been able to obtain, not in the department of the Gulf only, but everywhere in relation to this matter."

"The unhesitating judgment of every person, official or other, not interested in the opportunities it affords for speculation, with whom we have consulted, coincides with that of General Banks. All without exception declare that no system can avail to effect the great objects contemplated that does not assign to one and the same authority the care and disposal of the abandoned plantations, and the care and protection of the emancipated laborers who are to cultivate them."

"And after the most thorough investigation I am authorized in saying that this is the deliberate judgment of the Commission."

It was on this ground of reason, and yielding to the influence of such authoritative opinions, that the committee were led to believe that there was no alternative on this practical question.

In the course of their inquiries the committee sought the opinions of the Secretary of the Treasury. With the heavy burdens of his Department resting on his shoulders, he does not desire any additional labor, but he does not conceal his conviction that the care of the freedmen must for the present be associated with the care of the lands. He would be glad to be relieved of all the responsibilities connected with the subject; but he hopes that it will not be divided between two different Departments. In that event it is feared that there will be little good from either.

I have dwelt with some minuteness on this question, because it seems to be the practical point on which there may be a difference of opinion. Already gentlemen have

taken sides, and newspapers also. I regret this difference; but I trust that a calm and dispassionate consideration of the subject will render it innocuous. The first thought of all should be the cause.

There is another question which ought not to be passed over in silence, arising out of the desire to protect the freedmen from any system of serfdom or enforced apprenticeship. It is well known that among the former slave-masters there are many who continue to count upon appropriating the labor of their slaves, if not under the name of slavery, at least under some other system by which the freedmen shall be effectually held to service. This very phrase "held to service," standing alone, is the pleonastic definition of slavery itself. One of these slave-masters in a public speech said, "There is really no difference, in my opinion, whether we hold them as absolute slaves or obtain their labor by some other method. Of course we prefer the old method, but that question is not now before us." Such barefaced avowals were not needed to put humane men on their guard against the conspiracy to continue slavery under another name.

The bill now before the Senate provides against any such possibility by requiring, *first*, that the assistant commissioners and local superintendents shall not only aid the freedmen in the adjustment of their wages, but that they shall take care that the freedmen do not suffer from ill-treatment or any failure of contract on the part of others; and *secondly*, that the contracts for service shall be limited to a year. The latter provision is so important that I give it precisely:

"*Provided*, That no freedman shall be held to service on any estate above mentioned otherwise than according to voluntary contract, reduced to writing, and certified by the assistant commissioner or local superintendent; nor shall any such contract be for a longer period than twelve months."

Here is a safeguard against serfdom or enforced apprenticeship which seemed to your committee of especial value. In this respect the House bill was thought by some of the committee to be fatally defective, inasmuch as it interposed no positive safeguards.

I do not know how extensive the desire may be to set slavery again on its feet under another name. But when we take into consideration the selfish tendencies of the world, the disposition of the strong to appropriate the labor of the weak, and the reluctance of slave-masters to renounce their habitual power, I have felt that Congress would not do its duty on this occasion if it did not by special provision guard against any such outrage. There must be no slavery under an *alias*. This terrible wrong must not be allowed to skulk in serfdom or compulsory labor. "Once free, always free:" such is the maxim of justice and jurisprudence. But any system by which the freedmen may be annexed to the soil, like the old *adscripti glæbæ*, will be in direct conflict with their newly acquired rights. They can be properly bound only by contract; and considering how easily they may be induced to enter into engagements ignorantly or heedlessly, and thus become the legal victims of designing men, it is evident that no precautions in their behalf can be too great.

It is well known that in some of the British West Indies an attempt was made, at the period of emancipation, to establish a system of apprenticeship which should be an intermediate condition between slavery and freedom. But the experiment failed. In some of the islands it was abandoned by the planters themselves, who frankly accepted emancipation outright. And in all it finally fell, blasted by the eloquence of Brougham. Here is a passage from one of his speeches:

"They who always dreaded emancipation, who were alarmed at the prospect of negro indolence, who stood agast at the vision of negro rebellion should the chains cease to rattle, or the lash resound through the air, gathering no wisdom from the past, still persist in affrighting themselves and scaring you with imaginary apprehensions from the transition to entire freedom out of the present intermediate state. But that intermediate state is the very source of all their real danger; and I disguise not its magnitude from myself. You have gone too far if you stop here and go no further; you are imminent hazard if, having loosened the fetters, you do not strike them off; if, leaving them ineffectual to restrain, you let them remain to gall and to irritate and goad. Beware of that state yet more unnatural than slavery itself, *liberty testewed by halves*."—*Third Series Hunsard's Parliamentary Debates*, volume 40, p. 1312.

"I have demonstrated to you that everything is ordered, every previous step taken, all safe, by experience shown to be safe, for the long desired consummation. The time has come, the trial has been made, the hour is striking; you have no longer a pretext for hesitation or faltering or delay. The slave has shown by four years blameless behaviour and devotion to the pursuits of peaceful industry that he is as fit for his freedom as any English peasant, ay, or any lord whom I now address. I demand his rights; I demand his liberty without stint; in the name of justice and of law, in the name of reason, in the name of God, who has given you no right to work injustice."—*Ibid.*, p. 1314.

But surely there is no need of eloquence or persuasion to induce you to set your faces like flint against any such half-way system. Freedom that has been declared must be secured completely, so that it may not fail through any pretension or fraud of wicked men. The least that can be done is that which is proposed by your committee.

Much more might be said on the whole subject; but I forbear. I have opened to consideration the two principal questions. If the Senate agree with the committee, first, on the importance of keeping the superintendence of the freedmen and of lands in the same hands, so as to avoid local conflict and discord, and, secondly, in the importance of providing surely against any system of serfdom or adscription to the soil, the bill of the committee must be adopted.

For the sake of plainness, I ask your attention to the main features of the bill, under the following heads:

1. It provides exclusively for freedmen, meaning thereby "such persons as were once slaves," without undertaking to embrace persons generally of African descent.

2. It seeks to secure to such freedmen the opportunity of labor on those lands which are natural and congenial to them, and on this account it places the superintendence of the freedmen in the Department which has the superintendence of the lands.

3. It provides positively against any system of enforced labor or apprenticeship, by requiring contracts between the freedmen and their employers to be carefully attested before local officers.

4. It establishes a careful machinery for the purposes of the bill, both as regards the freedmen and as regards the lands.

But the bill may be seen not only in what it does, but also in what it avoids doing.

It does not undertake too much. It does not assume to provide ways and means for the support of the freedmen; but it does look to securing them the opportunities of labor according to well-guarded contracts and under the friendly advice of agents of the Government, who shall take care that they are protected against abuse of all kinds.

It is the declared duty of these agents "to protect these persons in the enjoyment of their rights, to promote their welfare, and to secure to them and their posterity the blessings of liberty." Under these comprehensive words all that is proper and constitutional will be authorized for their welcome and security, while labor will be made to go hand in hand. Thus far in the sad history of this people labor has been compelled by slavery. But the case at last will be reversed. It will be liberty that will conduct the freedman to the fields, protect him in his toil, and secure to him all its fruits.

In closing what I have to say on this subject, allow me to read the official testimony of the Commission on Freedmen, appointed by the Secretary of War, in their recent report on this subject:

"We need a freedmen's bureau, not because these people are negroes, but because they are men who have been for generations despoiled of their rights. The commission has heretofore, to wit, in a supplemental report made to you in december last, recommended, to effect the above objects, the establishment of such a bureau; and they believe that all that is essential to its proper organization is contained, substantially, in a bill to that effect, reported on April 12, from the Senate committee on slavery and freedmen."

This is the bill which is now under consideration.

It will be for the Senate to determine, under the circumstances, what it will do. My earnest hope is that it will do something. The opportunity must not be lost of helping so many persons who are now helpless, and of aiding the cause of reconciliation, without which peace cannot be assured. In this spirit I leave the whole subject to the judgment of the Senate. If anything better than the work of the committee can be found I hope that it will be adopted; but meanwhile I ask you to accept that which is now offered.

[The Bill for a Bureau of Freedmen was attacked in debate. On the third day, Mr. SUMNER replied to the attacks as follows:]

Mr. SUMNER. I am sorry to be obliged to say another word in this debate. I had hoped to be excused. But the remarks of the Senator from Iowa [Mr. GRIMES] leave me no alternative.

I am not astonished at the opposition which this bill has encountered from the Senators over the way. It is their vocation to oppose every such measure, and to give it, if possible, a bad name. They believe in slavery more or less, and will not do anything to remove it or to mitigate its terrible curse. There is the Senator from West Virginia, [Mr. WILLEY,] who gives us smooth words for freedom, with boasts of the slaves he has emancipated, and then straightway, by voice and vote, sustains slave-hunting, and, if possible worse still, startles the Senate by a menace that slaves set free by act of Congress will be re-enslaved by States again restored to the Union. That the Senator should attack a bill for a Bureau of Freedmen is perfectly natural; nor am I astonished that he should misrepresent its character. But I cannot conceal my surprise at the course of the Senator from Iowa, who I know has no love for slavery, and no congenital, persistent, and rooted prejudices against the colored race. If the Senator from West Virginia spoke naturally, allow me to say that my friend from Iowa did not speak naturally.

Sir, the Senator has not done justice to the bill which he undertook to criticise. It was evident that he spoke hastily, without having even read it. At least this is not an improper assumption when we consider some of his criticisms. It will be remembered how promptly I corrected him while he was picturing the Assistant Commissioners as so utterly without restraint that they were not even obliged to make reports. I rose and read the clause in the bill expressly requiring not only "quarterly reports" but "other special reports from time to time." The Senator, surprised by this provision, replied that it was at the close of the bill and was evidently an afterthought. This again was a mistake. Had he read the bill carefully he would have found that whatever may be its merits in other respects everything is introduced in its proper place, and this provision is no exception. There is no afterthought in the bill. The Senator then complained that the Assistant Commissioner was not obliged to give a bond. Here again he was mistaken. By an amendment moved by myself this was required. All this was a part of the attempt of the Senator to show that the bureau had not been planned with sufficient care. Suffice it to say that there is no bureau of the Government constituted with more care or surrounded with more safeguards against abuse. Much in the last resort must be confided to the honesty of public servants,

but in the present case they are all placed under the observation of their superiors. Superintendents will be observed by the Assistant Commissioner, who will be observed by the Commissioner; and all will be under the observation of the Secretary of the Treasury, who himself is under the observation of the President; and I need not add that the whole will be subject to the oversight of a humane and enlightened people, awakening daily to a sense of obligation which cannot be postponed.

I am not wrong, then, when I say that the Senator did injustice to the bill in his criticism on its structure and the machinery which it establishes. But this was the smallest part of his injustice. He went further, and, following the Senator from West Virginia, asserted that it gave the Commissioner unlimited power and control, so as to hand the unhappy freedman over to slavery under another name. I looked at the Senator to see if he were really serious as he made this strange accusation against a measure conceived in a sentiment of humanity and equity, and, by positive provisions, guarding every freedman against the very outrage which the Senator professes to fear. He seemed to be serious, as he repeated the accusation. But as he had erred with regard to the restraints upon the Assistant Commissioners, so he erred in the graver impeachment which he launched.

The Senator began this impeachment by saying that the bill, according to its definition of freedmen, was applicable to all who were "once slaves," and that even Robert Small, the patriot slave who navigated the Planter out of Charleston and gave it to us, would come under its provisions. Very well. Suppose he does. Can he suffer from it? Does he lose anything by it? Can anybody under this bill exercise any power or control over Robert Small? The Senator forgets that the bill assumes that all are free, and in every respect entitled to all the privileges of freemen; that they are invested with every right which the Senator himself possesses, and, if these rights are violated, they may look for a remedy to any court of justice precisely as he could. None of these rights are infringed by the present bill. On the contrary, the officers under it are charged to see that the freedmen are secure in their rights, so that Robert Small himself, if the occasion required, might find aid and protection under it. The bill gives no power to take away or limit existing rights; but it provides additional means for their safeguard, that emancipation may be perfect, so far as possible.

I do not like to take time, especially when I consider that in opening this matter to the Senate I explained the character of the bill and its necessity. I do not pretend that it is perfect; but I beg to assure the Senate that it is the result of the careful deliberations of the committee. If Senators are disposed to criticise it, or to offer amendments with a view to its improvement, let them do so. But I trust that they will not allow themselves to be carried into any general hostility to the measure, founded on a misconception of its real character. I might remind them again of the large numbers of freedmen—free, thank God! by the legislative and executive acts of the United States—but not yet introduced into the new condition appointed for them—unemployed, suffering, starving, and, with a voice of agony, calling for relief. I might remind them of the inability of private charity, or any effort organized by private individuals, to meet all the exigencies of this unprecedented case, although the generosity of our people is overflowing. And I might dwell on the obligation of the nation, reaching everywhere with its hundred arms, to do what inferior charity must fail to do; and I might especially show that it is not enough to strike down the slave-master, but that you must go further, and lift up the slave. But I forbear. I content myself now with reminding you that, if you oppose legislation to help the freedmen in their rough passage from slavery to freedom, you hand over this unhappy people—unhappy for long generations, and not yet conducted into the full enjoyment of freedom—to a condition which I dread to contemplate. They look about and find no home. They seek occupation, but it is not within their reach. They ask for protection, sometimes against their former task-masters and sometimes against other selfish men. If they are not supplied in some way by the Government, I know not where to look for them. Surely, sir, you will not hesitate to provide, so far as you can, carefully and wisely, the proper means to secure employment for these freedmen during the transition from one condition to another, and, above all, to throw over them everywhere theegis of Constitution and law. And such, permit me to say, was the single object of the present bill, which has been so cordially misrepresented by the Senator from West Virginia, and so unjustly misrepresented by my friend from Iowa.

I have said that the object was care and protection for persons actually free and so regarded, who, from the peculiarity of their condition, might not be able in all respects to secure these without assistance. To this end a central agency is proposed at Washington, with subordinate agencies where the freedmen are to be found, devoted to this work of watching over emancipation, so that it may be surrounded with a congenial atmosphere. Is not the object worthy of support? Who will question it?

The language of the bill describing the functions of the Commissioner is plain and explicit; and yet out of this language, so guarded, and so utterly inoffensive, the Senator from Iowa has conjured a phantom to frighten the Senate from its propriety. Why, sir, if there were anything which, by any possibility, could justify the fears of the Senator, if there were anything which even the most lively imagination could exaggerate into anything but care and protection, then I should be the first to denounce it, and to ask forgiveness for an unconscious aberration. But there is absolutely nothing; and if you will listen to the words of the bill you will agree with me.

I begin with the very words which to the Senator from Iowa were so alarming:

"The Commissioner, under the direction of the Secretary of the Treasury, shall have the general superintendence of all freedmen throughout the several departments."

Here are duties imposed upon the Commissioner: but there is no power or control over the freedmen. Calling a man superintendent gives him no power, except in conformity with the laws; but here all the laws, general and special, are for freedom. And yet the Senator has repeated again and again that here was a grant of unlimited power and control over the freedmen. To his mind here was an overflowing fountain of tyranny and wrong.

Mr. GRIMES. Will the Senator tell the Senate what is meant by it?

Mr. SUMNER. With great pleasure; and if I can have the candid attention of my friend, I believe that he and I cannot differ about it, for I will not doubt that we have the same object at heart. Obviously the language in question indicates in a general way the character of the duties to be performed. They are duties of superintendence; but we are to look elsewhere to see the extent of these duties: and the words which follow in the same section show something of their nature. Thus:

"And it shall be his duty especially to watch over the execution of all laws, proclamations, and military orders of emancipation, or in any way concerning freedmen."

There, sir, is the first glimpse of the duties of this tyrant. Mark, sir, there is not one word of power or control over the freedmen, but duties solemnly imposed, all in behalf of freedom. What next?

"And generally, by careful regulations, in the spirit of the Constitution, to protect these persons in the enjoyment of their rights, to promote their welfare, and to secure to them and their posterity the blessings of liberty."

Here again are the duties of the Commissioner; but there is not one word which confers power or control over the freedmen. The main object is protection in the enjoyment of their rights, inborn but new-found. This is to be crowned by such watchfulness as will promote their welfare and secure to them and their posterity the blessings of liberty; and all this is to be according to "careful regulations." To find tyranny in this provision the Senator must be as critical as the German theologian who found a heresy in the Lord's Prayer. I do not go to the dictionary for the meaning of superintendent. This is needless. Obviously, the superintendent must superintend according to law; and since this is now for freedom, whatever he does must be for freedom likewise. He can do nothing without this inspiration. The function of superintendence is not applicable exclusively to this case. It is of common occurrence. There is a superintendent of emigrants; but nobody supposes that he can do anything with regard to emigrants except in conformity with law. The mayor of Washington is, in a certain sense, a superintendent of the Senator and myself, as we walk the streets or lie down at night in our houses, bound to see that we are protected from outrage and robbery. And the Vice President or the President of the Senate is a superintendent of this Chamber—bound to see that the rules of parliamentary law are observed. But the Senator would not think of attributing to either of these functionaries that "unlimited power and control" which he dreaded in the superintendent of

freedmen—bound to see that freedmen are protected in their rights. And yet it exists in one case just as much as in the other.

I think, sir, that after this explanation there can be no difficulty in answering the inquiry of the Senator. By superintendence of all freedmen is meant that watchfulness of their rights and interests, consistent with laws general and special, for their protection, welfare and liberty, so that they may be helped to employment and be guarded against outrage. The object is good. What other word would the Senator employ to designate it? How would he describe the humane function of the Commissioner? He is versed in language. Will he supply any term more apt? I invite him to do it, and shall gladly accept it. Since we seem to concur in the object proposed, let there be no difference on account of words. All that I desire is something which shall supply help and protection. For this I cheerfully sacrifice all the rest. And permit me to say, I have misread this bill, if there is any single word in it, from beginning to end which can give the most remote apology for any other idea.

But I have thus far only glanced at a single section. Look further. I skip for the moment the next section, and go to the sixth, which describes some of the duties of the "assistant commissioners and local superintendents." It begins by declaring that they

"Shall act as *advisory persons* to aid the freedmen in the adjustment of their wages, or, where they have rented plantation or small holdings, in the application of their labor."

Mark, if you please, the friendly service to be performed. Not in this way do tyrants or slave-masters wield a wicked power. Here is advice, guardianship, and the adjustment of wages—all inconsistent with slavery in any of its pretensions. What next?

"That they shall take care that the freedmen do not suffer from ill-treatment or any failure of contract on the part of others, and that on their part they perform their duty under any contract entered into by them."

Mark again the friendly service required. Here is another duty cast upon these officers.

Mr. GRIMES. How is that to be enforced? Suppose they will not work—will not fulfill their contracts?

Mr. SUMNER. The duty of these officers is "advisory." They are not invested with power to enforce any provisions, unless by court of law or some other tribunal. The freedmen are entitled to all the rights of freemen, just as much as the Senator. Curiously the Senator does not seem to have purged his mind of the idea that these men, in some way or other, have not yet ceased to be slaves—[Mr. GRIMES. No]—an assumption which, however natural in the Senator from West Virginia, is not natural in my friend from Iowa. But let him recognize them as free, like himself, and he will see that there is no remedy open to him which will not be open to them, and that any outrage upon them will, in point of law, be the same as if inflicted upon himself.

Mr. HARLAN. I desire to ask the Senator if there are courts of law in existence in these rebel States before whom the parties may appear.

Mr. SUMNER. I am afraid that courts of justice in those States are not yet in perfect operation. But such as they are, they will be open to every freedman. On this point there can be no question.

The next words of the section show what shall be done by these officers to promote the administration of justice. Thus:

"They shall further do what they can as *arbitrators* to reconcile and settle any differences in which freedmen may be involved, whether arising from disputes between themselves and other persons."

Here is the duty of arbitrator and peacemaker; but no power or control. And this duty is applicable to differences of all kinds where the freedmen are parties. Nothing can be more humane or less tyrannical. But this is not all.

"In case such differences are carried before any tribunal, civil or military, they shall appear as *next friends* of the freedmen, so far as to see that the case is fairly stated and heard. And in all such proceedings there shall be no delay."

If not "arbitrators," then the officers are to be "next friends" to aid the freedmen in any litigation into which they may be drawn. Very little tyranny here. And this service is to be rendered in any tribunal, "civil or military," so that where the civil courts are closed the freedmen may obtain justice in any military tribunal. But

whether in a civil or military tribunal, there is to be no disability or exclusion on account of color. When we consider how this disability and exclusion have been the badge of slavery and its pretensions, we may find in their positive prohibition a new token of the spirit in which this bill has been conceived. Very little tyranny here.

Mr. GRIMES. But, Mr. President, the case that was put by me was not where there was a controversy between the colored man and some third party, but where the Commissioner attempted to enforce the obligation of duty upon the colored man. Now, I want to know of the Senator if a Commissioner who undertakes to carry out the provisions of this bill may not, under the third section, avail himself of the military authority that may be in the department to enforce obedience; and if he thinks it would be doing justice to the colored men in the department to leave them to the military control of the Commissioner, of whom we know nothing, and about whom we do not know whether he sympathizes with the colored man or not. Is it right to leave these colored men to the military control of this Commissioner in order to enforce the obligation to labor?

Mr. SUMNER. The Senator now calls attention to another section, where it is provided that "the military commander within any department shall, on the application of the Assistant Commissioner thereof, supply all needful military support in the discharge of the duties of such Commissioner"; and he inquires if this does not authorize the Assistant Commissioner to use military power in making freedmen work. Let me say at once that the criticism of the Senator on this clause is absolutely novel. If the clause to which he refers could be employed to any such purpose, I beg to assure him it was not anticipated by the committee. The clause was intended for a very different purpose—in the interest of the freedman. And here again let me remind the Senator that nothing can be done by any officer, military or civil, toward a freedman which cannot be done toward any other citizen. If this military power can be used against one it can be equally used against the other. The occasion for this power seemed to be obvious. It was supposed that in the rebel States there might be exposed districts where the plantations would be subject to incursion or ravage from the enemy, by which the labor there would be obstructed or disturbed unless military protection were at hand. It was to remedy evils of this character that this provision was introduced. Such was the object sought to be accomplished. It was protection in the spirit of the whole bill, and nothing else. If by any possibility there can be any chance of any abuse of this power, beyond what is incident to every trust, I shall be very glad to take advantage of the criticism of the Senator and amend the bill so that the evil which he sniffs afar shall not be permitted to arrive.

The Senator cannot bear the thought of our freedmen exposed to the tyranny of military power. But does he not forget that at this moment they are subject to this tyranny? It is to remove them from all this arbitrary control and uncertain protection that we now establish a bureau, which shall be an agency of the civil power, charged to surround the freedmen with every safeguard which the Constitution and laws can supply. Show me any provision in one or the other for the protection of human rights and I claim it at once for the freedman against any oppressor, whatever may be his office or name.

Let the Senator bear these things in mind, and give us the advantage of his counsel. I shall welcome from him any suggestion, any proposition, any criticism calculated to promote the object of the bill. The more he makes the better. Let him be no niggard. But I trust he will pardon me if I complain of a hasty assault, which, as it seems to me, can have no other effect than to injure the cause itself.

But I have not done with the criticism of the Senator. It was on the fifth section, concerning the labor on abandoned plantations, that he bent his whole force. In the provisions of that section he found a new system of slavery; sometimes it was slavery outright, and sometimes it was peon slavery. Senators who did me the honor of listening to my remarks at the beginning of this debate will remember how I dwelt upon the importance of guarding against any revival of slavery under any other name, whether of apprenticeship or adscription to the soil; and they may remember, perhaps, how I explained the impossibility of any such occurrence under the present bill, and showed that the freedman was guarded at all points. And yet, in the face of this exposition and of the positive text—better than any exposition—the cry has been sounded that

the liberty of the freedmen is in danger. The Senator read this section over at length, and then repeated again particular clauses and phrases, striving to interpret them for slavery. I will not read it at length; nor will I dwell on the first part of the section. Suffice it to say that, so far as it describes the lands which are to be taken for occupation, it follows substantially the text of the order from the War Department, by which "all houses, tenements, lands and plantations, except such as may be required for military purposes, which have been or may be deserted and abandoned by insurgents within the lines of military occupation," are placed under the supervision and control of the supervising special agents of the Treasury Department. Under this order the Secretary of the Treasury has been acting for more than a year; doing with these lands precisely what the Senator so vehemently condemns. The present bill, so far as concerns the power of the Commissioner over the lands, has done little more than reduce the order of the War Department to the text of a statute, thus giving to it a certain legality which it does not now possess.

But passing from the lands which are to be occupied under the bill, the Senator next pictures the terrible fate of the freedmen laboring on these lands in pursuance of careful contracts. There seemed to be no limit to the Senator's anxiety lest they should be bound in slavery. I welcome his generous anxiety. But I pray that he will not allow it to mislead his judgment or prevent him from seeing the case in its true character. Surely he must have been unduly excited, or he could not have found danger in these words:

"In case no proper lessees can be found, then to cause the same to be cultivated or occupied by the freedmen, on such terms, in either case, and under such regulations, as the commissioner may determine."

"What a frightful power!" exclaimed the Senator. But why? Here is no power or control over the freedmen, but simply over the lands, which the officers are to cause to be cultivated or occupied. These officers are the representatives of the Government of the United States, to which these lands belong for the time being, and, in determining the terms and regulations under which they are to be cultivated or occupied, they do no more than is done by the Senator with regard to the lands which he is so happy as to own. The Senator determines the terms and regulations under which his lands shall be leased or cultivated; does he not? And he would be surprised if any person called in question his rights in this regard; especially would he be surprised if any person undertook to infer that the freedom of laborers upon his lands could be compromised by any terms or regulations which he might choose to adopt. But there is no power which he might exercise over his own lands that may not now be exercised by the Government. In each case, the laborer must be treated as a freeman. The Senator seems to imagine that there is a power or control over the freedman, which is conferred by these words. Here is the mistake of the Senator. The power and control are over the lands, not over the freedmen. There is not a word in the clause which can be tortured into any such idea. I challenge the Senator to point it out.

Thus far I have considered this clause, which according to the Senator is so terribly pregnant, without alluding to the express limitation which follows in the same section. Even without this limitation it is clear and blameless. But the committee, in order to make assurance doubly sure, and to set up an absolute impediment against any abuse, have added the following proviso:

"Provided, That no freedmen shall be held to service in any State above-mentioned otherwise than according to voluntary contract reduced to writing, and certified by the assistant commissioner or local superintendent; nor shall any such contract be for a longer period than twelve months."

And yet in the face of this proviso the Senator sees danger. Nobody can be found on this land except in pursuance of voluntary contract, which must be reduced to writing and certified by an officer of the Government. Nor is this all. The contract is not to be for a term beyond twelve months; so that, by no excuse, and by no exercise of power, can the freedman be put even under a shadow of control beyond this brief term. He is in all respects a freeman, laboring on land according to careful contract for a limited period. And yet the Senator calls this beneficent arrangement slavery, and then, changing the name, he calls it peonage. Sir, the Senator has an imperfect conception of that peonage which is indefinite service, or that slavery which is service for endless generations, if he undertakes to liken an employment in pursu-

ance of contract most carefully guarded for a term of a few months to either of these wretched conditions.

But all this is only a part of the mistake in which the Senator has proceeded from beginning to end. I am at a loss to account for it. I do not understand it. That I regret it most sincerely I need not say. I counted upon his good will with regard to this bill. I felt sure of his sympathies with regard to its general objects. I do not renounce the hope of these sympathies now. But I cannot forbear saying that, to my mind, the Senator has thrown himself in the way of a humane undertaking, and has practically abandoned the claims of the oppressed race to which he and I both owe service. Long have they suffered; much have they been abused; wearily have they journeyed through life; and now at last, when slavery is overturned, and we seek to provide a passage from its torments to a better condition, where labor shall be quickened and protected by liberty, and where all rights shall be respected, it is hard to find our efforts buffeted by a cross-wind from such an unexpected quarter.



